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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,218	06/05/2001	Joseph H. Contiliano	ETH1536	5741
27777	7590	12/17/2003	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			MATTHEWS, WILLIAM H	
		ART UNIT	PAPER NUMBER	
		3738	10	
DATE MAILED: 12/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/874,218	June 5, 2001	Confiliano et al.	ETH 1536
EXAMINER			
Matthews			
ART UNIT	PAPER		
3738	10		

DATE MAILED:

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Commissioner for Patents

The amendment filed October 6, 2003 has been considered non-responsive for the reasons set forth in the attached pages.

## DETAILED ACTION

### ***Response to Amendment***

The reply filed on 10-6-03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has failed to specifically point out the support in the original disclosure for each of the newly presented claim limitations, i.e. "foam tissue scaffold fixation component and foam tissue scaffold component support means and anchor means" (M.P.E.P. 714.02).

Furthermore, the listing of claims fails to comply with the revised amendment format. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. Note claim 8 lacks greek symbols.

Because of the procedure outlined in M.P.E.P. 2163.06 for interpreting the claims, it is noted that other art may be applicable under 35 U.S.C. 102 or 35 U.S.C. 103(a) once the aforementioned problem under 35 U.S.C. 112, first paragraph, is corrected. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Matthews (Howie) whose telephone number is 703-305-0316. The examiner can normally be reached on Monday-Friday 10-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine M. McDermott can be reached on 703-308-2111. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

*W.H.*  
WHM  
December 14, 2003

*C.M.*  
CORRINE McDERMOTT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700